

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NEW YORK**

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THE UNITED STATES OF AMERICA,

NOTICE OF MOTION FOR  
DISPOSITIVE PRETRIAL RELIEF

-vs-

23-CR-00099

GOGOLACK ET AL.,

Defendants.

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MOTION MADE BY: Cheryl Meyers Buth and Mark Foti, attorneys for Peter Gerace, Jr.

DATE, TIME, AND PLACE At a date and time determined by the Court at a Status Conference on August 20, 2025 at the Robert H. Jackson Courthouse, 2 Niagara Square, Buffalo, NY 14202

SUPPORTING PAPERS Memorandum in Support

RELIEF REQUESTED:

- A. Motion To Dismiss Counts 1-3 Pursuant to Fed. R. Crim. P. 12(B)(3)(B)
- B. Motion to Dismiss Based on Defective Grand Jury Proceedings
- C. Motion to Dismiss Based on Prosecutorial Steering
- D. Motion to Dismiss or Suppress Due to the Subpoena Compelling Production From the Defendant's Investigator
- E. Motion for Leave to Join in Co-Defendant's Motions
- F. Motion for Leave to Make Other Pretrial Motions

Please Note: Oral Argument and Reply Briefing Requested.

Respectfully submitted,

DATED: Orchard Park, New York  
August 8, 2025

s/ Cheryl Meyers Buth  
Cheryl Meyers Buth, Esq.  
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DATED: Rochester, New York  
August 8, 2025

s/ Mark A. Foti  
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